

# DECLARATION OF RALPH E. WESINGER, JR.

I, Ralph E. Wesinger, Jr., do hereby declare and state:

1. I am a named inventor of United States Patent No. 5,778,367 and all continuation patents and applications based thereon. This declaration is based upon my personal knowledge.
2. In the fall of 1994, I was President and majority shareholder of Scientific Research Management Corporation, which subsequently changed its name to Network Engineering Software ("NES"). For convenience, I refer to the company as "NES" throughout this declaration.
3. In this time frame, NES was in the business of assembling, installing and servicing computers and computer networks for its clients. The general public was just beginning to use the internet, and many of NES' clients were asking its assistance in connecting to the internet, establishing a website presence and directing traffic to their website. Several of these clients were located in Honolulu, Hawaii, and I discussed these issues with them on a business trip there in the fall of 1994.
4. During my business trip in the fall of 1994, several of NES' Hawaii customers mentioned problems that they were having with Yahoo!, a company that had an on-line directory of web pages to whom NES' customers paid a fee to have their web pages listed. At this time, Yahoo! required that its customers email it a proposed listing that Yahoo! would then edit and categorize.
5. The problems NES' customers were encountering included Yahoo! changing the text of the listing, thereby creating inaccuracies and typographical errors, and Yahoo!

improperly categorizing the listing, making it difficult for third parties to locate. Furthermore, if an NES' customer wanted to modify or update its listing, it was required to again email its changes to Yahoo!, and the same editorial and categorization process transpired once again. In addition to these fundamental problems, customers of Yahoo! were required to have a web page and a web address prior to posting a listing on Yahoo!, making it an expensive process as well for those customers who only had one or neither.

6. As a result of the problems NES' customers were having with Yahoo!, I began to think of ways to solve these problems. I conceived of the concept for what eventually became known as the "Internet Front Door" by at least November 26, 1994.
7. I recall this specifically because I attended a high school reunion at the Sheraton Boxborough in Boxborough, Massachusetts on that date, and discussed NES and its internet business goals with William Kennedy, a high school classmate whom I understood was connected to the venture capital business. I know that I had conceived of the Internet Front Door when I had this initial discussion with Mr. Kennedy because I was interested in raising capital for NES so that it could pursue the Internet Front Door and other ideas the company had for internet-based products.
8. After the discussion with Mr. Kennedy at our high school reunion, he was interested in learning more about NES and its products, and we subsequently scheduled December 16, 1994 for him to visit the company in San Jose, California.
9. The Internet Front Door idea included a website with a database that was accessible by users of the internet. Users who accessed the website with a standard web browser

could fill out a form to create a listing or entry, which could include text, graphics, a uniform resource locator or a category specifically selected or created by the user. If an internet user created such a listing, he or she could post it in the database without any editing or categorizing by the website provider or other third party. Each listing was identified through a unique transaction ID, and a user could access his or her listing or entry and update or modify it in real time. All entries posted on the website database were searchable on the website by users of the internet.


10. On December 16, 1994, I met with Mr. Kennedy at NES' offices in San Jose. I believe that Mr. Coley may have also attended the meeting. The meeting lasted for the morning and we then had lunch. During the meeting, I discussed the Internet Front Door concept with Mr. Kennedy at a high level, describing it as a gateway allowing an internet customer to publish information on a website database without third party editing, and allowing the user to control and modify that entry.
11. On December 21, 1994, Mr. Kennedy sent me a letter following the meeting confirming our discussions, a true and correct copy of which is attached hereto as Exhibit 1.
12. I hired co-inventor Christopher Coley as an independent contractor in late summer, 1994. He initially worked on network set ups and connecting NES' clients to the internet, and then joined the company full time effective January 1, 1995. After he started as an employee, Mr. Coley was primarily involved in setting up the NES' data center, which was the underlying infrastructure for hosting clients' websites on a database that is connected to the internet.

13. In February 1995, Mr. Coley began writing the source code for the Internet Front Door. He was working on several other projects at the time, including a multi-homed server and a firewall product. Mr. Coley's programming work for the Internet Front Door included HTML code, CGI scripts and the code that would implement the functionality for users to create and modify their database listings.
14. The first embodiment of the Internet Front Door concept was the Golf USA website, a true and correct graphical excerpt of which is attached hereto as Exhibit 2. The Golf USA database included golf courses throughout the United States, and internet users could add and modify golf course database entries in the same fashion as I had originally conceived.
15. Users were able to add golf course entries to the site, and index their entries in categories of their choosing along with an associated description of the golf course. If no suitable category was available, users could create a new category with a category description provided by the user.
16. NES applied for registration of the domain name for golfusa.net on May 9, 1995 and it was registered on May 16, 1995. A true and correct copy of the application and domain name registration are attached hereto as Exhibits 3 and 4. The source code for the Golf USA website was written during April and May, 1995, as evidenced in the true and correct excerpts of source code files attached hereto as Exhibit 5.

17. The Golf USA website was available to users of the internet by at least May 12, 1995, as evidenced in an NES log file showing access from outside the NES server, a true and correct copy of which is attached as Exhibit 6.

18. I acknowledge that willful false statements are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Dated: 5/29/07

  
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Ralph E. Wesinger, Jr.